

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

May 28, 2008

The meeting was called to order at 4:02 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Phil Conder, Mary Jayne Davis, and Jason Jones

ABSENT:

Terri Mills and Dale Clayton

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Lehman, Hannah Thiel, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Deputy City Attorney

AUDIENCE

Approximately fifteen (15) people were in the audience

SUBDIVISION APPLICATION:

S-21-2006

Sunset Hills Phase 1 - Amended

6600 South U-111

R-1-10 Zone

BACKGROUND

Chris Drent, is requesting an amendment to the first phase of the Sunset Hills Subdivision. The purpose for the amended plat is to correct a surveying error.

ISSUES:

The Sunset Hills Phase 1 Subdivision was recorded with the Salt Lake County Recorder's Office in October 2007. Subsequent to the recordation of the plat, a problem occurred with the field survey that will require a new plat.

According to the surveyor, the field survey points were rotated from what was shown on the recorded subdivision plat. The rotation was small enough that it went undetected for most of the construction process. As a result, some of the improvements were actually constructed outside the boundary of the plat. The amended plat will now match what was constructed in the field.

Although the error is rather small, it is significant as it relates to the dedication and improvements in 6600 South and Oquirrh Mesa Drive. The full Oquirrh Mesa Drive right-of-way will be dedicated in the constructed location by this plat. The 6600 South right-of-way is projected to be 80 feet. The developer dedicated their portion of 40 feet as part of the subdivision process. Due to the surveying error, the road improvements were constructed approximately 1.3 feet on property outside of the City's boundary.

After discussing the matter with the City Engineering Division and Attorney's Office, a determination was made to allow the existing improvements to remain as long as the full 80-foot right of way would eventually be constructed. The Engineering Division suggested that an access easement be granted in favor of West Valley City so that the existing right-of-way can be used for public access. In addition to the easement, the property owner to the south would be responsible to dedicate the necessary right-of-way to complete the 80-foot requirement upon development of their property.

Anytime there is a modification to a recorded plat, City ordinance requires that the Planning Commission forward a recommendation on to the City Council. The amendment of this plat will then be recorded to correct the absent notations and to establish new drainage swale easements.

STAFF ALTERNATIVES:

- A. Approval of the plat amendment.
- B. Continuance to allow for more discussion regarding the application.

Applicant:

Chris Drent
45 W. 10000 S.
Sandy, UT 84070

Discussion: Steve Lehman presented the application. Commissioner Conder questioned if the lots would be affected by this amendment. The applicant, Chris Drent, stated that everything has been slightly shifted but there are no problems with the residents.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Chairman Woodruff	Yes

Unanimous- S-21-2006– Approved

S-2-2007

Northview Estates Subdivision – Final Plat

Boyd Brown

R-1-8 Zone

57 Lots

23.5 Acres

BACKGROUND

Mr. Boyd Brown is requesting final approval for the Northview Estates Subdivision. The subdivision received preliminary approval in June 2007. Over the past year, the developer has been coordinating issues related to the Mountain View Corridor and railroad crossing. Although all of the issues are not yet resolved, the final plat is ready to be reviewed.

The subdivision is located east of the Rocky Mountain Corridor and future Mountain View Corridor. The attached map shows UDOT's new alignment and its relation to the proposed subdivision. The new alignment will affect lots 1-11. However, the remainder of the subdivision can develop without impacts from the new alignment.

STAFF/AGENCY COMMENTS:

Public Works Department:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Concerns regarding ground water investigation as it relates to surface water and shallow ground water. A soils report will be required and a review will need to be done by the City prior to a final plat.
- Will need to coordinate storm water issues.
- Contact Salt Lake County Auditor's Office for approval of street names and subdivision names.
- Revisions to plat required.
- Street cross sections to be approved by the City Engineer.
- Approval from Rocky Mountain Power regarding access through their corridor.

Building Division:

- Will need to review the soils report.

Utility Companies:

- Standard Utility Easements required.

Granger Hunter Improvement District:

- Project is subject to all GHID requirements and design standards.
- Concern regarding sewer connections under the DR&G Railroad and easement widths.

Fire Department:

- Proposed fire hydrant locations need to be shown on subdivision plat.
- Project shall meet all provisions of Fire Code relating to this type of development.

ISSUES:

The Northview Estates Subdivision consists of 57 lots on approximately 23.5 acres. Lot sizes range from 8,000 square feet to 25,4236 square feet. The average lot size has been calculated at just under 10,000 square feet. There are a number of lots in the subdivision that do not meet the 80-foot frontage requirement. For these lots, the developer is applying a provision in the ordinance that allows up to 25% of the total lot count to have a reduction in the frontage of up to 15%. For these lots, dwellings will need to be 200 square feet larger than the size specified in the development agreement. In addition, all dwellings will be 100% masonry as defined in the development agreement.

During the rezone process, the Planning Commission and City Council negotiated a development agreement. This agreement addresses building size, lot size, architectural style, building materials, and front yard landscaping. Provisions of this agreement will be addressed with each home builder and will be reviewed as part of each building permit.

Access to the subdivision will be gained from 6000 West and from a future connection to 4700 South. During the preliminary process, staff explained that due to the proposed highway, access from 6000 West to 4700 South would likely be eliminated. During the last year, staff has met on numerous occasions with UDOT, and Mr. Brown regarding this subdivision and access challenges. These discussions have generally centered on the best way to plan for residential development in this area while trying to accommodate the proposed Mountain View alignment.

During those discussions, staff learned that the existing 6000 West would not connect with 4700 South. During the approval process for the Vistas Subdivision, the Planning Commission and City Council made known their intent that a connection from 6000 West to 4700 South was a necessary component for successful traffic circulation in this area.

During the last year, the developer has formalized a road design that provides a connection from 6000 West to 4700 South. This design has received the approval from UDOT and the City staff. The minor collector road has been designed to cross the corridor at a 90 degree angle which will help lessen future bridge concerns. In addition, the proposed road alignment going south to 4700 South is the best possible location because of steeper slope concerns on property to the west.

The City Public Works Department has suggested that the improvements installed for the crossing at 6000 West, along with the future crossing arms, could be moved to this location. This would help reduce costs for the rail crossing and would help facilitate getting this crossing built.

As mentioned during the study session, the alignment of the highway as reviewed

during the preliminary plat, has recently changed. The alignment has moved to the southeast, thus potentially eliminating lots 1-11. Because it is not known for sure what impact this modification will actually have, the developer is moving forward with the plat design approved by the Commission in June 2007.

The subdivision is located in an area that has some challenging ground water problems. A soils report has been provided to address these concerns. According to the report, groundwater was encountered in various locations at a depth of 11 feet. Other areas within the subdivision did not exhibit any ground water.

The City Engineering Division has expressed concerns regarding the subdivisions drainage. In order to address this concern, the developer is providing a 20-foot storm drain easement between lots 37 and 38. This easement will be in favor of West Valley City and will serve the needs expressed by the Engineering Division. The developer will be responsible to coordinate the easement location with the railroad company and property owner to the east. Said agreements shall be signed and in place prior to plat recordation.

The southern and eastern boundaries of the subdivision are adjacent to the Denver & Rio Grande Western Railroad. City ordinance requires that this area be fenced with a 6-foot non-climbable chain link fence.

The proposed subdivision is located in the outer ring of the overpressure zone. City ordinance will require that certain construction standards, specifically stronger windows be applied for new dwellings. A note regarding the OPZ will be attached to the subdivision plat.

As with other subdivision development in this area, there are concerns with the noise from concerts held at the USANA Amphitheater and from potential impacts of the Frito Lay manufacturing plant. These concerns were addressed with the Vistas development agreement, but have not been with this developer. Staff will recommend that similar notes be placed on the plat notifying potential residents of these impacts.

STAFF ALTERNATIVES:

- A. Grant final plat approval for the Northview Estates Subdivision subject to the following conditions:
 1. That the Subdivision be guided by the recorded development agreement. All builders in the subdivision shall be provided a copy of this agreement from the applicant.
 2. That the developer contact the Salt Lake County Auditor's Office regarding the subdivision name and all street names associated with the development.

3. That compliance be made with the Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection.
 4. That the developer coordinate issues regarding storm drainage with the City Engineering Division.
 5. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate this issue with any water users and the City Public Works Department as part of this recommendation.
 6. That the minor collector street be platted to a 60-foot right-of-way. All other interior streets, including design shall be approved by the City Engineering Division.
 7. That all recommendations outlined in the soils report be followed.
 8. That all single-family dwellings be subject to the construction standards outlined in Section 7-10 of the West Valley City Code. This section outlines the requirements for construction within the Overpressure Zone.
 9. That a note be placed on the plat notifying potential residents that this subdivision is located near manufacturing property and an entertainment venue, and may be subject to noise and odors associated with manufacturing and entertainment uses.
 10. That the developer coordinate the rail crossing with UDOT, adjacent property owners, D&RG Railroad and City Public Works Department. If the crossing is not resolved after the first 30 dwellings are constructed, secondary access will be required.
 11. That the developer coordinate access through the power corridor with Rocky Mountain Power.
 12. That all lots adjacent to the existing railroad be fenced with a 6-foot black coated chain link fence.
 13. That the developer coordinate the storm drain easement with the Denver & Rio Grande Western Railroad and with the Defa family. Said easements shall be reviewed and approved by the Engineering Division prior to plat recordation.
- B. Continuation in order for the developer to address concerns raised by the Planning Commission.

Applicant:

Boyd Brown
6965 S. Union Park Center #160
Midvale, UT

Discussion: Steve Lehman presented the application. Commissioner Matheson asked where sewage will flow. The applicant, Boyd Brown, explained that the sewage system will connect into the Cape Vista Subdivision. Commissioner Conder asked where secondary access will be obtained if the railroad crossing issue isn't resolved. Mr. Lehman discussed various potential places and indicated them on the map. He added that this will likely not be a problem.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to the 13 staff conditions.

Commissioner Davis seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Chairman Woodruff	Yes

Unanimous- S-2-2007– Approved

S-19-2008

**Willey Subdivision
3526 South 5750 West
R-1-8 Zone
2 Lots**

BACKGROUND

Michael Willey, is requesting preliminary and final plat approval for a 2-lot subdivision in the R-1-8 Zone. The subdivision is bordered on the north, east and south by existing residential housing. Property to the west is within the Rocky Mountain Corridor.

The subdivision is located in an area that is projected to be the right-of-way for the future Mountain View Corridor. The attached map shows how UDOT's preferred alignment for the Mountain View Corridor impacts this property. Staff has informed the property owner of this alignment. In addition, a copy of the plat and owner information has been

provided to UDOT for coordination purposes.

STAFF/AGENCY CONCERNS:

Fire Department:

- Will need to comply with all provisions of the Fire Department.

Granger Hunter Improvement District:

- Project will need to run availability for water, sewer and fire protection.
- Subject to design and review inspections.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Revisions to plat are required.
- Soils report will be required.

ISSUES:

- The developer is proposing a flag lot subdivision consisting of 2 lots. Presently, an existing older dwelling is located on lot 1. The applicant intends to convert the existing dwelling into a two car garage and will construct a new single family dwelling to the north.
- Both lots meet or exceed the frontage and area requirements of the R-1-8 Zone including the requirements for flag lots. Access to the rear lot will need to have a minimum paved width of 20 feet.
- Access to the subdivision will be gained from 5750 West. Street improvements do not exist across the frontage of this property. At the present time, no formal improvements exist along 5750 West. The City Engineering Division is presently evaluating whether public improvements will be needed across the frontage the property. The challenge comes from not having any formal improvements to tie-in to along this street. Staff will advise the Planning Commission once an answer has been provided from the Engineering Division.

- As with all subdivision development, a concern exists regarding ground water. Staff will require that a soils report be submitted to address this concern. The report will need to be submitted prior to City Council review.
- The developer will need to meet requirements of the Fire Department. Because access to the back lot is less than 150 feet, a turnaround will not be required. An existing fire hydrant is located immediately to the south. Provided that this hydrant will be within 250 of the back dwelling, the developer will not need to install a new hydrant.
- As mentioned previously, the proposed subdivision falls within the proposed alignment of the Mountain View Corridor. The City's position, as it has been with prior applications, is to process the subdivision, including recordation. Should the applicant and UDOT reach an agreement prior to that time, the application will be considered closed.

STAFF ALTERNATIVES:

1. Approval of the Willey Subdivision subject to a resolution of staff and agency concerns.
2. Continuation to address issues raised during the public hearing.

Applicant:

**Michael Willey
3530 S. 5750 W.
WVC, UT**

Opposed

**John McNeal
5755 W. 3500 S.
WVC, UT**

Favored

**Charie Johnson
5075 W. 4700 S.
Kearns, UT**

Discussion: Steve Lehman presented the application. The applicant, Michael Willey, had nothing further to add.

John McNeal, a neighbor, stated that this is a small road and there are many families with several children. Mr. McNeal stated that he is concerned about safety during the construction process and added that the proposed subdivision is near a park. Mr. McNeal explained that the applicant has begun working on this property several times but has never completed his projects. Commissioner Jones stated that having the property developed might discourage children from going through it to the park.

Charie Johnson stated that Mr. Willey is dedicated to the completion of this subdivision and added that she will be moving her mobile home to this property. She added that the development will be conducted securely and will be a much safer location when everything is completed. Commissioner Conder questioned if sewage will be properly taken care of when the mobile home is moved to the property. Ms. Johnson replied that everything would be handled appropriately.

Commissioner Davis stated that she wasn't aware mobile homes were permitted in a subdivision. Steve Lehman replied that the City does not discriminate against a certain housing project and added that any new home on the lot would have to meet all single family requirements. He added that some architectural requirements may need to be included to meet design standards. Commissioner Davis asked if something like this comes back to the City for approval. Mr. Lehman said that a building permit must be submitted and then it's evaluated by several departments before the permit is issued. Mr. Lehman added that a pre-construction meeting will be conducted before the developer begins development to resolve any safety concerns. Commissioner Jones asked if the design standards include a parking garage. Mr. Lehman replied that a 2 car garage is required for every home in the City. Commissioner Davis asked if landscaping requirements apply. Mr. Lehman replied yes.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval subject to the 6 issues listed by staff.

Commissioner Jones seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Chairman Woodruff	Yes

Unanimous- S-19-2008– Approved

S-23-2008

Quartzdyne Minor Subdivision

4350 West 2400 South

M Zone

2 Lots

86 Acres

BACKGROUND:

Greg Haehl, representing the Argent Group, is requesting preliminary and final plat approval for the Quartzdyne Minor Subdivision. The subject property is presently vacant and is located in the manufacturing zone.

ISSUES:

The proposed subdivision is being requested in order to divide the existing property as well as to dedicate a portion of Links Drive. Although the subdivision comprises 2 lots, lot 2 will eventually be amended as additional development occurs within the subdivision. Another purpose of the subdivision will be to provide dedication of a new City street on the east side of lot 1.

Access will be gained by the 2100 South frontage road and from Links Drive. The developer will be dedicating additional right-of-way on the east side of lot 1. The cross section to be used here as well as future rights-of-way will be 66 feet. A parkstrip and sidewalk will be located on one side of the roadway which is standard in the manufacturing zone.

The dedication of Links Drive is critical for the pending development of Quartzdyne. Links Drive has been in use for many years providing access to the Stonebridge Clubhouse. In order for this road to be public, Zion's Securities has provided a deed to the City for the existing right-of-way. The City in turn will sign the plat making the dedication official.

In order to expedite the construction of the Quartzdyne building, a permitted use application has been submitted. Although permitted uses are not reviewed by the Planning Commission, staff has asked that the developer be prepared to review the proposed site during the meeting. This will give the Planning Commission a sense of what the overall development will entail. An overall conditional use application will be reviewed by the Planning Commission as development of this property moves forward.

Staff and agency comments will be more thoroughly addressed as part of the permitted use process and future conditional use process. The subdivision plat will contain easements dedication of right-of-way and other information applicable to the division of property.

STAFF ALTERNATIVES:

1. Approve the Quartzdyne Minor Subdivision subject to a resolution of staff and agency comments.
2. Continue the application in order for the developer to address the Planning Commissions concerns.

Applicant:

Greg Hael
10301 S. Riverfront Parkway
South Jordan, UT 84043

Discussion: Steve Lehman presented the application. Commissioner Matheson questioned whether the road that proceeds north from Links Drive will be improved at this time. Mr. Lehman explained that a small portion will be

improved but the extension will happen later. Commissioner Matheson questioned the dimensions of the right of way. Mr. Lehman explained the right of way in a manufacturing zone is normally 66 feet.

Chairman Woodruff asked what the proposed business manufactures . The applicant, Greg Hael, replied that they construct high tech devices that include high pressure chips and transducer's. Mr. Hael explained that pressure transducer's are used by oil companies to determine temperature and pressure feedback that is sent to the surface. Commissioner Matheson questioned whether the applicant has had any discussion with the neighbor to the east. Mr. Hael replied that they are working with this company and are discussing the possibility of buying the property. Commissioner Matheson asked if the land would remain as it is to the north. Mr. Hael stated that he would like to see it incorporated into this development but isn't sure yet. Commissioner Jones asked if there is a children's center near the property. Mr. Lehman replied that there is a children's center west of the lot.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to the resolution of staff and agency comments

Commissioner Davis seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Chairman Woodruff	Yes

Unanimous - S-23-2008– Approved

CONDITIONAL USE APPLICATIONS:

C-18-2008 (continued from May 14, 2008)

La Herradura de Oro Market

3333 West 3500 South

General Commercial and Single Family Residential Zones, 0.7 acres

Staff Presentation by Hannah Thiel, Planner I

Background

Due to the road-widening project by Utah Department of Transportation on 3500 South,

many businesses and homes are losing signage, landscaping, parking, and buildings that are in the proposed widened right of way. The home located at 3337 West 3500 South is one that must be demolished as it is located in the proposed right of way. This property is currently zoned 'R-1-8' and is in the process of applying for a rezone to 'C-2'; a zone that would match the neighboring property to the east.

The property to the east (3333 West 3500 South and zoned 'C-2') is losing a retail building that is located in the proposed right of way. This owner also owns La Herradura de Oro Market on site. To minimize any detrimental impacts this widening could have on the retail business, the property owner, the City, and UDOT have been working together to best plan this site, given the circumstances. The owner's plan is to buy the residential property and use it for parking for the retail and grocery/market businesses.

Section 7-18-106(7) of the Land Use Development and Management Act allows buildings that become nonconforming due to a roadway widening to be fully restored at the original setback. As this situation would place the retail building in the middle of the right of way if kept at its original setback, and the remaining property is too narrow to place a building on, a solution was devised to restore the retail building as an addition to La Herradura market and use the residential piece as parking for the business. Although this solution does not meet the minimum requirements for landscaping, it is consistent with landscaping along the rest of 3500 South after the road widening and the site will have adequate parking for their uses.

David Stanley with Rinnoovation is requesting a conditional use amendment approval for a retail addition to the existing market located at 3333 West 3500 South. This project is proposing of 2750 square feet of retail space. The site currently has a retail building, which will be removed, that is 2049 square feet according to Salt Lake County Commercial Records. The existing market has 5000 square feet of market space, proposing a building that is 7750 square feet. This property occupies a total of 0.7 acres of land. The General Plan designates this property as a General Commercial or Medium Density use.

The applicant has supplied 32 parking spaces on site. The ordinance requires 31 parking spaces for this use.

There are not currently plans for signs for this site.

Currently, an existing privacy fence of different types is located on the property line next to the residential uses. Staff would recommend a minimum of an eight (8) foot masonry wall next to residential properties to mitigate noise associated with traffic, and create a more suitable transition between a commercial and residential land use where the proposed addition is located closer to residential uses than the existing building. An eight foot masonry wall is now proposed on the site plan.

Assuming the residential parcel of this project gets rezoned 'C-2', the property on the north and east sides of 3333 West 3500 South are zoned 'C-2' (General Commercial) and the property on the west and south sides are zoned 'R-1-8' (Single Family Residential,

minimum lot size of 8,000 square feet) and are designated General Commercial or Medium Density Residential under the General Plan. As the proposed project isn't changing current uses other than removing the residential component, staff does not see this use adversely affecting neighbors or neighboring zones.

Planning Commission Concerns

At the Study Session on May 7, 2008, the Planning Commission showed concern regarding the use of the rear setback, required from residential, for loading rather than landscaping. The Planning Commission also showed concern regarding the layout of the parking. The four spaces oriented at the front of the proposed building addition could be oriented against the west side of the existing building and more parking could be provided on site without using the proposed handicap space in the front setback area.

At the Public Hearing on May 14, 2008, the Planning Commission continued this application to allow the applicant time to submit a lighting plan for the site, to review proposed signage for the proposed building addition, and to consider options for the loading area on the south side of the property.

The applicant submitted information for the Planning Commission to review in the Study Session held on May 21, 2008. There were minor changes to the lighting plan discussed to meet the City Codes for maximum and minimum foot candles required in the lighting plan. The applicant is proposing to use the same signs on the buildings as existing; where the sign on the retail building, that is to be demolished, will be moved to the proposed building. The signage will need to meet City Codes and the applicant will have to get a building permit prior to sign installation. Planning Commission discussed the loading area and the need by ordinance to have it landscaped. By ordinance, there is not enough space to use that area as a traditional loading area. To allow the business owners use of storage space in the proposed building that can not be reached by a manual forklift, the Planning Commission felt an electric forklift could be used as these are not as noisy as motorized forklifts. As the loading area is only intended for use by a forklift, the Planning Commission discussed allowing a six foot wide sidewalk to the entry and storage area on the south side of the building and requiring trees in the four feet area left as well as east of the entry to avert motorized traffic behind the building.

Another concern that surfaced in the Study Session on May 21, 2008, was with the location of the trash enclosure. The applicant has considered various options for the location of the trash enclosure. However, the trash enclosure is required to be setback a minimum of twenty feet from any residential zone boundary, limiting the applicant's options for placement. The Planning Commission expressed concern regarding the opening orientation towards the street. One idea to remedy this dilemma was to require the dumpster indoors or convert some of the proposed building into a recessed area for the trash container. Another idea was to turn the trash container 45 degrees counterclockwise to position the trash opening south west. It was recommended to landscape the triangular area from the west edge of the dumpster to the proposed walkway to the street to the driveway to 3500 South as well as use shrubs and/or trellis and vines to screen the trash container from the street.

Recommendations/ Staff Alternatives

- Approval subject to any issues raised at the public hearing as well as the following conditions:
 1. That the approval of this application shall be subject to approval and recording of the zone change from 'R-1-8' to 'C-2' as outlined in Z-5-2008.
 2. That the parcels shall be consolidated into one parcel with one tax identification number prior to certificate of occupancy issuance.
 3. That an eight foot masonry wall be required along all residential property lines. This wall shall be brick, rock or stone or match the design and color of the proposed addition and existing market.
 4. That the loading area on the south side of the project shall be modified as follows:
 - a. The bay door shall be converted to double wide doors.
 - b. A six foot wide concrete or asphalt sidewalk shall be installed flanking the south side of the proposed addition, stopping at the double wide doors to allow for electric forklift movement.
 - c. Motorized forklifts shall be prohibited on site. Electric forklifts and manual forklifts shall be permitted.
 - d. Landscape shall be planted within ten feet of the residential property line to comply with ordinance sections 7-9-118 and 7-6-1003(3)(b). Where six feet is taken out to allow for a forklift sidewalk, trees shall be placed in the remaining southern four feet, adjacent to the residential zone. Trees shall also be placed in the ten foot area east of the forklift sidewalk and double wide doors. Coniferous trees are recommended to allow some sound buffer through all seasons.
 5. That the proposed addition shall meet all the requirements of the Commercial Design Standard Ordinance (7-14-213).
 6. That no unpainted concrete block shall be used in this project.
 7. That the trash enclosure shall be kept and maintained in a designed recession area of the proposed addition on the west side of the proposed building addition. The recession area shall be roofed and appear part of the building where solid doors shall enclose the recessed area that are compatible with the design and color scheme of the building. Or the dumpster/ trash container area shall be modified as follows:
 - a. The container and the masonry enclosure shall be turned 45 degrees counterclockwise so that the opening of the container faces the southwest position.
 - b. That the masonry shall match the existing and proposed building addition,

- as well as the proposed wall in color and design. The masonry shall be an earth tone color.
- c. That landscape shall be added to the site in the right triangle area between the trash enclosure and the walkway that connects to the public sidewalk on 3500 south.
 - d. That coniferous trees, shrubs, or trellis and vines (or combination thereof) shall be used in the triangle landscape area to screen the trash enclosure from the street.
 - e. The doors of the trash container shall be solid and shall be of compatible color and design with the building.
 - f. That the Planning Commission shall review the plans for landscaping, screening, and wall design for the trash enclosure area in a Study Session.
- 8. That the existing building be painted the same color as the proposed addition, in an earth-tone color scheme.
 - 9. That an architectural band be placed on the west side of the existing building.
 - 10. That the existing building continue the rock wainscot from the front of the building to the sides and over to the proposed addition. This wainscot shall extend in height at least to the bottom of the windows on the existing building and shall use a minimum of 20% of the front elevation of the proposed addition. The wainscot shall be the existing rock, new rock, or brick.
 - 11. That the existing building uses the same roof overhang and columns as the proposed addition entrance for both entrances to the market.
 - 12. That the bars be removed from the existing building's windows and shall not be placed on the proposed building addition.
 - 13. That a maximum of 25% of the window area shall be used for signage and advertisement purposes.
 - 14. That storage of goods shall not be located in window areas unless as part of an organized, professional display.
 - 15. That complete and revised development plans shall be submitted that are in compliance with all City Ordinances and Codes of all West Valley City Departments.
 - 16. That the applicant shall submit a building permit application for new and moved signs desired on the site. All signs shall be in compliance with regulations for signs contained in Title 11 of the West Valley City Code. The pole sign shall be removed from the site during the 3500 South widening project. If a monument sign is desired by the applicant or business owner at a

later date, plans for that sign shall be reviewed by the Planning Commission in a Study Session.

17. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.

- Continuance, for resolution of any issues that may arise at the public hearing; and/or to review complete architectural elevations.

Applicant:

David Stanley
3333 W. 3500 S.
WVC, UT

Favored

Lucia Guillen
3126 W. 9390 S.
West Jordan, UT

Discussion: Hannah Thiel presented the application. David Stanley, the applicant, stated that all conditions are achievable with the exception of condition number 4a which states that the bay doors should be converted to double wide doors. He explained that this will make landscaping more difficult and limits the room for a forklift. He added that these doors do not effect the neighbors and would only negatively impact the business owner. Commissioner Conder asked how the applicant felt about incorporating the dumpster into the building. Mr. Stanley stated he hasn't explored this option architecturally enough but believes it is something that can be done. He added that he is concerned about a large gate on the façade of the building and added that the business owners would prefer the dumpster to remain where it is with the exception of rotating it and ensuring that it's properly screened. Commissioner Matheson asked if the building is joined so that customers can walk through both stores. Mr. Stanley stated that they are joined at the back for employee access but the buildings are intended to be separate. Commissioner Matheson clarified that one building is a grocery store and the other is a clothing store and questioned if it would make sense to have one main entrance. Mr. Stanley replied that there are two entrances for cost and construction reasons and added that the goal is to maintain two separate stores in a single building.

Lucia Guillen, the business owner, expressed concern about removing the bars from the window. She explained that the store has been robbed multiple times, the most recent involving the theft of their safe. She stated that they almost went out of business until the bars were placed in the windows which seemed to deter crime. Chairman Woodruff asked if the bars are on the outside or inside and questioned the color. Ms. Guillen stated that the bars are on the inside and are white. Commissioner Conder asked how many robberies the business has experienced. Ms. Guillen stated that there were 3 break-ins last year and 8 since they've been in business. She added that all thefts have been major losses, especially the ones involving jewelry, which the business was forced to stop carrying. Commissioner Conder asked if the jewelry was causing the break-ins. Ms. Guillen explained that this is a very likely possibility. Commissioner Jones

asked when they stopped carrying jewelry. Ms. Guillen stated that they discontinued the items in March, 2007 and added that there have been 2 burglaries since. Chairman Woodruff asked if the business has a security system other than the bars. Ms. Guillen explained that they have had difficulties finding a good security company and added that they were in the process of changing when the safe was stolen. Commissioner Matheson asked if they utilize delivery cars. Ms. Guillen stated that they have a van.

Mr. Stanley stated that he would rather discontinue the rock wainscot and use a painted color line instead. Chairman Woodruff asked if there would be any legal implications of requiring that the bars on the windows be removed. Nicole Cottle stated that there are no legal impediments. Commissioner Conder stated that he believes the double doors are not required and is okay with allowing the applicant a bay door. He added that he doesn't believe the bars provide too much more security and stated that the dumpster enclosure on the southwest corner of the building seems to make the most sense. Commissioner Jones stated that the bars distract from the façade and other security measures can be taken. Commissioner Matheson stated that he believes the wainscoting needs more dimension.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to the 17 staff conditions striking number 4A and the first line of 4B, modifying the last line of number 10 to state that the wainscot shall be the existing rock, new rock, efface, or other texturing material with a minimum 2 inch offset, and choosing the first option in item number seven unless there is a valid objection or insurmountable reasons at which the applicant must return to the Planning Commission to approve the second option.

Commissioner Davis seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Chairman Woodruff	Yes

Unanimous- C-18-2008– Approved

C-21-2008

**Enrique Zafra, Major Home Occupation
4518 South Orleans Way**

R-1-8 Zoning, 0.18 acres
Staff Presentation by Hannah Thiel, Planner I

Background

Enrique Zafra is requesting a conditional use approval for a major home occupation to drive a three (3) ton ice cream truck and keep it at his house, located at 4518 South Orleans Way. Mr. Zafra is currently the owner of this property. This ice cream truck is a conditional use in a residential zone because the truck proposed is over one ton. Ice cream truck businesses are a permitted use in a residential zone if a resident acquires a home business license and if the truck is a maximum of one (1) ton. Per ordinance, the ice cream truck must be stored on private property not in the front yard setback and must be adequately screened. Signage allowed on any home business commercial vehicle is a maximum of four (4) square feet. Also per ordinance, business hours for the ice cream truck must be conducted between 6 o'clock am and 10 o'clock pm. As part of the business license approval the applicant will need to get approval from the Salt Lake Valley Health Department. The applicant has not gotten approval yet but plans to get an approval if the Conditional Use request is approved.

The property on all sides of 4518 South Orleans Way is zoned R-1-8 (Single Family Residential, minimum lot size 8,000. The Bangerter Highway runs adjacent to this property to the west. Staff does not see this use adversely affecting neighbors or neighboring zones as long as the applicant adheres to the standards of the City Code and obtains approval from the Salt Lake Valley Health Department.

Recommendations/ Staff Alternatives

- Approval subject to any issues raised at the public hearing as well as the following conditions:
 1. That the applicant shall receive approval from Salt Lake Valley Health Department prior to starting his business functions.
 2. That the applicant shall receive an approved Business License prior to starting his business functions.
 3. That the truck shall be parked on a concrete or asphalt surface in the back yard.
 4. That all West Valley City Ordinances shall be met prior to and for the duration of use of this truck.
 5. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Continuance, for resolution of any issues raised at the public hearing.

Applicant:

Enrique Zafra
4518 Orleans Way
WVC, UT

Discussion: Hannah Thiel presented this application. Commissioner Matheson questioned whether the 4 X 4 feet maximum of signage is listed by the ordinance.

Ms. Thiel replied yes. Commissioner Conder asked whether the 1 ton ice cream trucks are required to meet the same restriction. Ms. Thiel replied yes. Commissioner Matheson stated that the vehicle must be parked on the side yard or in the back yard. Commissioner Jones clarified that on street parking is not allowed and asked if the proper noticing has gone out. Ms. Thiel replied that it has and added that she returned a call to an individual who wanted more information but never heard back from them. Commissioner Woodruff asked if ice cream can be sold from the home if the truck is left there. Ms. Thiel replied that Salt Lake Valley Health doesn't allow food to be sold from homes.

The applicant, Enrique Zafra, expressed his desire for this business to be a success. Commissioner Woodruff asked how he can afford gas in relation to the modern economy. Mr. Zafra stated that he is hoping his business does well enough that this will not be a problem. Commissioner Fuller questioned how the ice cream is obtained. Mr. Zafra explained that he goes to a special ice cream store daily and sells the ice cream he picks up. Commissioner Jones asked where the applicant will park the truck. Mr. Zafra stated that he may try to find a commercial development to park the truck at night but for the first couple of months he is planning on parking it to the side of his house. Commissioner Davis asked whether the truck will fit. Mr. Zafra stated that it will. Commissioner Jones asked whether food preparation will happen in the truck since the ice cream is not pre-packaged. Mr. Zafra replied yes. Commissioner Matheson expressed concern that adequate screening should be provided for the neighbors if the truck is going to be parked on the side of the house. The Planning Commission discussed the possibility of a fence or gate and the height requirements listed by the ordinance. Commissioner Fuller asked if a measurement can be provided for the distance to the property line. Ms. Thiel replied that she didn't have this measurement but stated that it is likely 8-10 feet. Commissioner Matheson stated that if the vehicle is parked far enough back it should be adequately screened.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval subject to the 5 staff conditions.

Commissioner Jones seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Chairman Woodruff	Yes

Unanimous - C-21-2008– Approved

PLANNING COMISSION BUSINESS

Approval of minutes from April 23, 2008 (Regular Meeting) **Approved**
Approval of minutes from May 7, 2008 (Study Session) **Approved**
Approval of minutes from May 14, 2008 (Regular Meeting) **Approved**

There being no further business, the meeting adjourned at 5:24 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant